A LETTER TO THE Rev. CHRISTOPHER WYVILL, CHAIRMAN of the COMMITTEE OF THE YORKSHIRE ASSOCIATION.

By JEREMIAH BATLEY, Esq.

Quand une Republique est corrumpue, on ne peut remédier à aucun des maux qui naissent, qu'en ôtant la Corruption et en rappellant les principes: tout autre correction est ou inutile ou un nouveau mal. MONTESQUIEU.

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At a Meeting of the SOCIETY for CONSTITUTIONAL INFORMATION, *held at No.* 2, *in New Inn, on Friday the* 15*th Day of November* 1782,

Reſolved unanimouſly,

THAT Three thouſand Copies of the following Letter be printed at the Expence of this Society.

THOMAS YEATES, Secretary.

A

LETTER, &c.

HALIFAX, April 10th, 1780.

SIR,

THE great ability and zeal you have ſhewn in your endeavours to promote a redreſs of national grievances, encourage me to hope that you will not be diſpleaſed, if, on this knowledge of your public character, I preſume to ſtate, with deference, a few objections to ſome part of the reſolutions of the meeting at York on the 28th ult.

Actuated by principles ſimilar to your own, I attended the meeting that was held on the 30th of December; and not only ſubſcribed the petition agreed to on that day, but took afterwards a very active part to perſuade others in this neighbourhood to ſign it. This, Sir, I premiſe with a view to preſerve from cenſure the rectitude of my

intention, provided theſe opinions ſhould appear to you erroneous.

Had I not been prevented from attending the laſt meeting, I ſhould probably have given my reaſons then for not aſſenting to the propoſition for increaſing the number of Knights of the Shire; a meaſure which ſeems to me to be pregnant with evils that may one day be far greater, and more difficult to correct, than even the preſent ſyſtem of corruption.

I am aware, Sir, that to the reſpectable public aſſemblies which have lately given a ſanction to this mode of reformation, may be added the great authority of the late Lord Chatham. But, though I venerate the memory of that able and moſt worthy ſtateſman, and highly reſpect the preſent patrons of his idea, I dare not carry my adulation ſo far as to prefer their judgments, when conjoined, to the wiſdom of our anceſtors, verified by the experience of many ages.

Our government is allowed, by all who have ſtudied it, to be conſtructed on a plan

the

the moſt excellent; and though this beautiful edifice is certainly much impaired by time, there are, I truſt, no dilapidations that may not be reſtored without altering its conſtruction: A work ſo deſervedly applauded, we ought to retouch with all the delicacy and precaution a judicious artiſt would employ to renovate a painting that was once the rival of nature.

On an accurate examination of the Britiſh Legiſlature, it will appear that the Third Eſtate is compoſed, in its primary condition, of men of various deſcriptions; whoſe occupations and property being very diſſimilar, muſt often render their intereſts diſcordant; and hence it is requiſite, for their general ſecurity, that they ſhould, when contracted into a ſmaller body, be repreſented by a diverſity of characters.

The Lords and great Commons, being large proprietors of land, have one general intereſt; and, as their property is of a permanent nature, this bond of union never changes. The Knights of the Shire are choſen, and for ever will be, increaſe them to what number you pleaſe, out of that

body of country gentlemen whoſe intereſts are thus cloſely conjoined with the Peerage.

After the Conqueſt, that great multitude, emphatically called the People, being miſerably oppreſſed by the ſole dominion of real property, to redreſs a grievance ſo diſcouraging to commerce and induſtry, wiſely obtained permiſſion, by ſome means or other, for Cities and Boroughs to ſend Deputies to Parliament. This remarkable event happened in the Reign of Henry the Third; and, as Hume ſuppoſes, aroſe from no better principle than Leiceſter's deſire to acquire popularity. But however that may be, it is certainly true, that the People retained a traditional memory of the happineſs of the nation under ſome of the Saxon princes; and the eſtabliſhment of any thing that bore a reſemblance to their ancient cuſtoms, was a ſure road to popularity; therefore, whether they were reſtored to this partial ſhare of their elective rights from illiberal or generous motives, it equally proves their ſentiments reſpecting it. Hume, who had certainly no prejudices in favour of a popular government,

government, is compelled, by the irreſiſtible evidence of hiſtorical facts, to declare (vol. ii. fol. 211.) that after the introduction of Deputies from the Boroughs, "The Houſe "of Commons ſoon proved one of the moſt "uſeful, and, in proceſs of time, one of "the moſt powerful members of the na-"tional conſtitution, and gradually reſcued "the kingdom from ariſtocratical, as well "as from regal tyranny." Such, Sir, were the ſalutary effects of the equitable mode of juriſdiction we are trying to alter. It eradicated every relict of ſlavery; and, by encouraging a ſpirit of enterprize in men of all deſcriptions, laid the foundation of the moſt glorious atchievements in learning, commerce, and war!

By a law, repealed only a few years ago, to give efficacy to a bill that a conſtitutional Parliament would render totally ſuperfluous, it was directed, that every perſon choſen to repreſent a County, City, or Borough ſhould reſide in it; a ſtrong indication that an external repreſentation had been found a grievance to the People: And it is very probable, that a law ſo well calculated for preſerving the democratical part of the con-

ſtitution would never have been neglected, if the great body of citizens and burghers had really continued to elect their repreſentatives. The City of London, and ſome other independent places, generally adhere to it ſtill, as a voluntary act; and indeed who is ſo proper a guardian of a diſtrict, as he who reſides in it, and ſhares in its wants and conveniencies? This law was made too in the firſt Parliament of that great Prince Henry the Fifth, (a ſtrong circumſtance in favour of its popularity) and only thirteen years after the depoſal of Richard the Second, againſt whom it was alledged, as one cauſe for depriving him of his regal authority, "That he changed the Repre-"ſentatives of the People at his pleaſure, "by exacting of the Sheriffs a return of "ſuch perſons as he nominated."

The Barons, being the great proprietors of land, were juſtly conſidered by our anceſtors as the partial guardians of real property; but the Citizens and Burgeſſes in Parliament, they looked upon as the immediate protectors of the merchant and manufacturer, and of that large body of uſeful labourers, whom it was neceſſary to

to ſtimulate to induſtry by the ſecurity of poſſeſſion.

Since an external influence has crept into Cities and Boroughs, their beneficial operation, we muſt allow, has been greatly obſtructed: but yet, venal as they are, it is through them, principally, that the commercial part of the kingdom is now repreſented; and though, in political queſtions, thoſe members too often run with an improper bias, yet on many important occaſions, not connected with party, they act with great judgment, and procure parliamentary attention to the intereſt of trade in general.

But we are miſtaken if we ſuppoſe that the Crown alone miſleads the Repreſentatives of theſe corrupt corporations. The unconſtitutional power that landed property has got there is the moſt general cauſe of their proſtitution; and ſo long as we continue to affix the idea of repreſentation to property, and not to perſons, we may expect to ſee them, alternately, the pernicious inſtruments of a factious party, and the baſe tools of miniſterial delinquency.

But though their preſent depravity is a very good reaſon for endeavouring to amend them, the occaſion of it by no means conveys a favourable idea of a project that is calculated to enlarge the power of thoſe who have been their ſeducers.

It certainly merits our particular attention, that Boroughs, with which we are now ſo greatly offended, had, after many ſevere ſtruggles for liberty, their privileges revived under the wiſeſt and beſt of our Princes; and is it not a dangerous experiment to deſtroy a barrier, erected on ſuch authority, expreſsly for the purpoſe of defending the people againſt arbitrary power?

To admit tradeſmen and artizans, independent of property, to a certain ſhare in the legiſlature, was conformable both to juſtice and ſound policy, and beneficial, in the event, even to the ariſtocratic body it was meant to reſtrain. For, under the auſpices of univerſal freedom, riches flowed into the kingdom, deſarts were cultivated, the conveniencies of life multiplied, and benevolence obtained the ſupreme ſatisfaction of ſeeing every uſeful citizen either enjoy,

joy, or reaſonably hope to enjoy, a comfortable independence as a recompence for his labour or ingenuity! That theſe advantages have reſulted from this general participation of power, cannot be denied, notwithſtanding there was a vice in its conſtruction, which gave it a progreſſive tendency to that ſtate of depravity to which, alas! it is now arrived.

There is no truth leſs problematical than that tyranny will, ſooner or later, characterize every ſtate that is governed by men of one deſcription. Be they numerous or few, nobles or plebeians, churchmen or ſoldiers, their plan will be oppreſſion; and though it would be their real intereſt to act otherwiſe, experience ſhews that it is far more difficult to regain liberty in a government that is ariſtocratic, than to force a monarch to relinquiſh his unjuſt prerogatives.

But I foreſee it will be alledged, that as the preſent County Members are, in general, the leaſt corrupt of our ſenators, it is not candid to inſinuate a ſuſpicion of defection in public ſpirit, when their numbers ſhall be

be increaſed.—To their comparative merit I willingly ſubſcribe: but yet I muſt declare that liberty, in my opinion, is poorly ſecured, when it depends on what is ſo precarious and changeable as the perſonal characters of men. To give ſtability to freedom, we muſt make it apparent, from the well-poiſed and impartial conſtruction of the government, that, under all circumſtances and changes of fortune, it is every honeſt man's individual intereſt to promote the general welfare of the community: for if, by an injudicious diſtribution of power, we ſeparate, in appearance only, public and private utility, many, I fear, will be deaf to the friendly admonitions of reaſon and virtue.

Beſides, as boroughs, in their preſent ſtate of degeneracy, are the eaſieſt prey of ſeduction, miniſters have chiefly addreſſed their allurements to that quarter: but I doubt we ſhall be grievouſly diſappointed, if we infer from this, that the ſyſtem of corruption will vaniſh when our burgeſſes ſhall be diſplaced, or rendered inſignificant, by an addition of county repreſentatives. The ſervants of the crown will ſoon diſcover

ver where the power of granting ſupplies is really veſted, and will ſtudy the gratification of that intereſt in their future plans for raiſing them, and hold forth every temptation that will be likely to procure its ſupport. Government would be fettered in all its projects if it acted otherwiſe: though probably after a while the crown would be tired of this ſervility, and the people of their bondage; and to free themſelves from it, an artful monarch might, perhaps, perſuade them, irritated by the oppreſſion of petty tyrants, to ſurrender into his hands thoſe rights that were become uſeleſs, and, like Denmark and Sweden, to veſt in him that dreadful ſcourge and diſgrace of human nature, deſpotic power!

This alarming cataſtrophe, I am ſenſible, would not arrive in our time. But, were the propoſed augmentation of Knights of the Shire to be adopted, we ſhould certainly ſoon find the moſt important branch of the legiſlature dependent upon the Peers and great Commoners. Even in the County of York, a very few of that rank, in ſtrict union, might preſcribe a liſt of candidates, whoſe Intereſts being joined to thoſe of their

their leaders, and ſubſcriptions entered into to ſupport their nomination, an unconnected body of independent gentlemen and little freeholders could not ſucceſsfully oppoſe; and in many leſs extenſive counties, perhaps three or four great men, thus acting in concert with thoſe whom they patronized, would be irreſiſtible. No individual could be expected to oppoſe ſuch powerful combinations; and were contending parties to be formed, as might ſometimes be the caſe, the whole kingdom, at a general election, would exhibit a ſcene of intemperance, riot, and unextinguiſhable enmity!

That the evil I apprehend from partial repreſentation, is not the romantic viſion of too refined a theory, will appear from the following extract from Dr. Sullivan's Lectures on the Laws and Conſtitution of England. His facts were collected, as his ingenious editor has ſhewn, from good authorities, and they furniſh a poſitive proof that the very inconveniencies I apprehend, did actually exiſt, when the great proprietors of land were the only aſſociates of regal power in governing this kingdom.

In

In his twenty-ſecond lecture, fol. 210, he ſays, " Next to the gentry or military " order, in eſtimation among the northern " nations, ſtood the Citizens and Burghers, " that is, the trading part of the nation, " whether merchants or artificers. Theſe " were for ſome ages held in a very low " light, none of the conquerors or their de- " ſcendants applying themſelves to ſuch " occupations. They were indeed, at firſt, " allowed certain privileges, and enjoyed " their own laws, under the inſpection of " magiſtrates appointed by the King, " known by the name of *Præpoſiti*, pro- " voſts, or ſome other equivalent title: But " theſe liberties did not laſt long. The " turbulent temper of the times, the fre- " quent competitions for the throne, and " the many rebellions of the great Lords, " occaſioned the towns and their inhabi- " tants to be taken in war, one after ano- " ther; and the perſons ſo taken were, " by the prevailing *jus gentium* of theſe " ages, reduced to ſervitude; not however " to a condition ſo low as the villeins, " who were properly the ſlaves of thoſe " people, and had no property but at the " will of their Lords. However it is, no

" ſtate,

" ſtate, except one abſolutely barbarous,
" could ſubſiſt without artizans; and as
" commerce is the parent of wealth, and
" as neither it, nor arts, could thrive where
" property is not in ſome ſort ſecure, the
" Lords were, in ſome degree, by their
" own intereſt, obliged to relinquiſh to
" theſe people the ſeizing of their goods at
" pleaſure, as they practiſed towards their
" villeins, and to leave them at liberty to
" make regulations among themſelves for
" the benefit of trade.

" Thus far, then, they were free; but
" their ſervitude conſiſted in their being
" liable to taxes or taillages at the will of
" the Lords, who, if they were wiſe, laid
" on ſuch only as they could well bear;
" but miſerable was their condition when
" they fell into the hands of one who was
" needy and rapacious; for then they were
" often fleeced, even to ruin and depopu-
" lation. This induced the wiſer Lords
" who ſaw the conſequences, and how
" much the arbitrary exertion of ſuch
" powers muſt, in the end, hurt them-
" ſelves, to reſtrain their own powers; and,
" by degrees, by granting them charters

" to

" to emancipate them. They formed them
" into bodies corporate, confirmed the right
" of making bye-laws, which had been
" permitted them, and granted them other
" privileges or franchiſes, as they called
" them, from their being infranchiſed, in
" derogation to former regal or ſeignoral
" rights. But for their total freedom they
" were indebted to parliament, which, ſee-
" ing the bad uſe King John made of his
" right in this kind, provided thus in Magna
" Charta: *Civitas London habeat omnes*
" *libertates ſuas antiquas, et conſuetudines*
" *ſuas. Præterea volumus et concedemus,*
" *quod omnes aliæ civitates, burgi et villæ,*
" *et Barones de quinque portubus, et omnes*
" *alii portus, habeant omnes libertates et li-*
" *beras conſuetudines ſuas.* And another
" chapter reſtrains the King from laying
" new and evil tolls, and confines him to
" the ancient cuſtoms.

" Hitherto, however, the citizens and
" burgeſſes were no part of the body poli-
" tic, and were not repreſented in parlia-
" ment: But as with their ſecurity their
" wealth and conſequence increaſed, about
" or before the year 1300, they were ad-
" mitted

" mitted to that privilege, that they might,
" in conjunction with the Knights of Shires,
" *be a check on the overgrown power of the*
" *mighty Lords.*"

But to ſuffer the great proprietors of land to enjoy a diſproportioned influence in the legiſlature was not only oppreſſive to the people, but an impediment to the orderly execution of the laws, and very frequently excited the moſt dangerous inſurrections.

Sir Robert Cotton (*Cottoni Poſthuma*, fol. 347.) ſpeaking of what Glanvile calls, *Magnum et commune concilium coram Rege et Magnatibus ſuis*, ſays, " As this great
" court or councell, conſiſting of the King
" and Barons, ruled the great affairs of
" ſtate, and controulled all inferior courts,
" ſo were there certain officers, whoſe
" tranſcendent power ſeemed to be ſet to
" bound in the execution of princes wills;
" as the ſteward, conſtable, and marſhall,
" fixed upon families in fee for many ages:
" they, as tribunes of the people, or Ephori
" amongſt the Athenians, grown by an
" unmannerly carriage fearful to monarchy,
" fell

" fell at the feet and mercy of the King,
" when the daring Earl of Leiceſter was
" ſlain at Eveſham. This chance, and the
" dear experience Henry the Third himſelf
" had made at the parliament at Oxford,
" in the fortieth year of his reign, and the
" memory of the many ſtraits his father
" was driven unto, eſpecially at Runny
" Mead, near Stanes, brought this King
" wiſely to begin what his ſucceſſors for-
" tunately finiſhed, in leſſening the ſtrength
" and power of his great Lords: and this
" was wrought by ſearching into the rega-
" lity they had uſurped over their peculiar
" ſovereigns (whereby they were, as the
" book of St. Alban's termeth them, *Quot*
" *Domini tot tyranni*) *and by weakening that*
" *hand of power which they carried in*
" *the Parliaments, by commanding the ſer-*
" *vice of many Knights, Citizens, and Bur-*
" *geſſes to that great councell.* Now began
" the frequent ſending of writs to the Com-
" mons, their aſſents not only uſed in mo-
" ney, charge and making laws (for before
" all ordinances paſſed by the King and
" Peers) but their conſent in judgments of
" all natures, whether civil or criminal."
And, as if he foreſaw that there would one

day be a project propoſed ſimilar to that which is now in agitation, he adds, at the concluſion of this diſcourſe, concerning the power of the Peers, the following important reflection: "*And how conveniently it "ſuits with monarchy to maintain this form, "leſt others of that well-framed body, knit "under one head, ſhould ſwell too great and "monſtruous, it may be eaſily thought. For "monarchy again may ſooner groan under "the weight of an ariſtocracy, as it once did, "than under a democracy, which it never "yet either felt or feared.*"

It muſt however be confeſſed that, after theſe reflections were made, a kind of democratic republic aroſe out of the ruins of the monarchy; but that example is ſo far from being adverſe to his doctrine, that it is an expreſs confirmation of it: for it was found to be a mode of government incompatible with the laws and cuſtoms of this country, and the joint efforts of the greateſt characters, both civil and military, could not give it a durable exiſtence.

But although the new republic was not able to ſupport itſelf againſt the ancient, and

and much more perfect form of regal government, its temporary eſtabliſhment impreſſed on ſome minds a needleſs terror of the popular part of the conſtitution; and, under the influence of this apprehenſion, the legiſlature has ever ſince been contracting the rights of the people in favour of an ariſtocracy. It was this timid ſpirit that framed the acts for triennial and ſeptennial parliaments; for the qualification of members, and a multitude of others repugnant to univerſal liberty: and though innumerable evils have ariſen from this dangerous mode of redreſſing a few trivial, and frequently only imaginary inconveniencies, we ſtill, I fear, continue to follow the ſame line, without perceiving that its obliquity leads us further from the rectitude we have been hitherto vainly labouring to attain.

There is a prevailing opinion, but a very erroneous one, that our intereſt in the preſervation of the conſtitution is proportioned to the property we poſſeſs. The reverſe is perhaps the truth: for the wealthy have a protector in their riches, that will often ſhelter them from oppreſſion in the worſt of governments; but what friendly media-

tor have the indigent to ſtand between them and perſonal ſlavery? For, notwithſtanding all men, by the law of nature, have a right to liberty, it is a felicity almoſt peculiar to the inhabitants of the Britiſh empire to enjoy an undoubted claim to a political government, that muſt neceſſarily extend its protection to the loweſt order of citizens.

Univerſal repreſentation is the diſtinguiſhing excellence of our unrivalled conſtitution. By recurring to it, our anceſtors, long lectured in the ſchool of adverſity, were freed from the vileſt ſervitude; and ſhall we, under a falſe idea of improvement, and in contempt of all preceding examples, aboliſh their wiſe inſtitutions, and revive a power they were invented to curb, becauſe it was found to be turbulent and fatal to liberty?

Beſides, Sir, what occaſion is there for ſo hazardous an innovation? Does not the form of that government remain under which we have obtained the moſt envied proſperity? And is it not as practicable to repair

repair the parts that are decayed, as to ſupply new ones?

But, partial as I am to theſe ancient uſages, it muſt be acknowledged they were defective in not providing better for their exiſtence in that uncorrupted ſtate, requiſite to give them ſufficient efficacy. To ſupply this defect, and to reſtore the people to their natural and conſtitutional right of electing their Repreſentatives for what term *they alone ſhall think proper*, ſeem the grand objects to which our political zeal ſhould be directed.

It is ſurely repugnant to reaſon to ſuppoſe that repreſentatives, created by the people only for the purpoſe of expreſſing their ſentiments more commodiouſly, have a right to preſcribe the term for which they ſhall chuſe them. Neither can it be maintained, that, by an union with the King and Upper Houſe of Parliament, they may acquire ſuch an extraordinary power, as both reaſon and law abſolutely preclude theſe from interfering in elections. The truth is, that every reſtraint in the exerciſe of the right of election, impoſed on the people by the

the legiſlature, is an act of uſurpation in every branch of it; and when theſe evils ſhall be redreſſed, I hope it will be done by a declaratory repeal of thoſe reſtraining acts as illegal, that the rights of the people may ſtand on the firm and unalterable baſis of the conſtitution, and not on the mutable foundation of Acts of Parliament.

The ſubject of a reform has of late been minutely diſcuſſed by ſome of the moſt ingenious and illuſtrious characters in the kingdom; and it would be preſumptuous to recommend a plan, as fit for execution, without an accurate examination of what they have publiſhed. But as my object at preſent is not ſo extenſive, I will only mention, in a curſory way, what appears to me no ineligible mode of making our boroughs once more uſeful to the public.

In cities and boroughs reſtore all houſeholders to the right of election: ſuffer no election to be valid, if the place contain not as many real voters as may be reaſonably deemed ſufficient to ſecure independence.

dence. The number ſhould be ample for the purpoſe; and where the place cannot ſupply them, one or more neighbouring *towns* (not pariſhes) might be united with the ancient borough until the number was ſufficient. There would be no occaſion to limit the increaſe of electors, nor to take any care that they do not exceed the number preſcribed as the loweſt that can act; but it ſhould be ſtrictly enjoined, that whenever any place, whether regulated before or not, ſhall have fewer voters than the law requires, the privilege of election ſhall be extended to yet another *town*, in like manner as was practiſed on the firſt occaſion. Where it can be made convenient, it would not, I think, be unreaſonable for the old borough to retain the honour and advantage of being the ſeat of election.

This, Sir, I am ſenſible is a very imperfect ſketch of ſo important a regulation. But I mean only to give a few out-lines, and to leave it to more able artiſts to finiſh the deſign. If inclination be not wanting,

I ſee no inſuperable difficulty in the execution of it. There will, undoubtedly, be many diſcordant intereſts to reconcile; but where private property ſhall be really affected, the public will not repine to make a reaſonable compenſation; and if the pernicious privileges claimed by individuals be not criminal uſurpations, I would give a liberal indemnification for aboliſhing them.

Without troubling you further on the ſubject, I will now, Sir, intreat your pardon for this intruſion. Being called upon to ſupport the preſent aſſociation, an apology became neceſſary for appearing to relax in a purſuit ſo laudable as the redreſs of thoſe grievances, you deſcribed with ſo much energy in your petition to Parliament.

Before I conclude, permit me to add one obſervation, and to recommend the application of it to your plan. A petition may be reſpectable that is only ſigned by a few; but an aſſociation is of no validity unleſs numbers aſſent to it; and as every

one

one ſhould be deſired to be a party, ſo every one ought to have an intereſt in ſupporting it.

I have the honour to ſubſcribe myſelf, with the greateſt reſpect,

SIR,

Your moſt obedient

Humble ſervant,

JER. BATLEY.

230683